

**IN THE UNITED STATE DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

JIM DONOVAN, STEVEN SCHULZE, AND ALL OTHERS SIMILARLY SITUATED,)	
)	
)	
)	
Plaintiffs,)	
)	
v.)	Case No.
)	
COMMUNITY UNIT SCHOOL DISTRICT NO. 303)	
)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, St. Charles Community Unit School District No. 303, Kane County, Illinois, by and through its attorneys, Stanley B. Eisenhammer, Bennett Rodick, and Jennifer A. Mueller of Hodges, Loizzi, Eisenhammer, Rodick & Kohn LLP, hereby files this Notice of Removal of this action filed in the Circuit Court of Kane County, Illinois. Pursuant to 28 U.S.C. § 1446(a), Defendant states the follow in support of removal:

1. On October 10, 2013, Plaintiffs initiated this civil action by filing a Complaint in the Circuit Court of Kane County. Defendant's legal counsel agreed to accept service and a copy of the Complaint was served upon Defendant's legal counsel on October 10, 2013, and is attached hereto.

2. The Complaint raises both federal and state claims. Specifically, the Complaint alleges that Defendant violated the federal *No Child Left Behind Act* ("NCLB"), 20 U.S.C. § 6301 *et seq.*, by reconfiguring two neighborhood elementary schools that served students in kindergarten through fifth grade into one school serving students in grades kindergarten through second grade (Davis Primary School) and another serving students in third through fifth grades

(Richmond Intermediate School) beginning with the 2011-2012 school year. The Complaint also alleges Defendant violated NCLB by failing to offer Choice to the children who attended Richmond Intermediate as provided by 20 U.S.C. § 6316.

3. Because Plaintiffs' Complaint involves a federal question, this action falls within the original jurisdiction of the federal courts pursuant to 28 U.S.C. § 1331.

4. Copies of the Complaint and all other documents served on Defendant are attached as Exhibit A.

WHEREFORE, this action is removable under 28 U.S.C. § 1441(a), and Defendant removes this action to the United States District Court for the Northern District of Illinois, Eastern Division.

Respectfully submitted,

**ST. CHARLES COMMUNITY
UNIT SCHOOL DISTRICT NO. 303**

By: /s/ Jennifer A. Mueller
One of the Attorneys for Defendant

Date: November 7, 2013

Stanley B. Eisenhammer
Bennett Rodick
Jennifer A. Mueller
Hodges, Loizzi, Eisenhammer,
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CERTIFICATE OF SERVICE

I, Jennifer A. Mueller, an attorney, hereby certify that on this 7th day of November, 2013, a true and correct copy of the foregoing Notice of Removal was served upon Plaintiffs by placing the same in the United States mail, first class postage prepaid, deposited at 3030 Salt Creek Lane, Arlington Heights, Illinois, at or about 5:00 p.m., addressed as follows:

Mr. Timothy P. Dwyer
The Law Offices of Timothy P. Dwyer
Timbers Professional Center
240 West River Drive
St. Charles, Illinois 60174

/s/ Jennifer A. Mueller
One of the Attorneys for Defendant

Stanley B. Eisenhammer
Bennett Rodick
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Plaintiffs,)	Case No.
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COMMUNITY UNIT SCHOOL DISTRICT)	
NO. 303)	
)	
Defendant.)	

NOTICE OF FILING

To: Mr. Timothy P. Dwyer
The Law Offices of Timothy P. Dwyer
Timbers Professional Center
240 West River Drive
St. Charles, Illinois 60174

Please take notice that on the 7th day of November, 2013, I caused Defendant's Notice of Removal, a copy of which is enclosed and hereby served upon you, to be electronically filed through the CM/ECF system of the United States District Court for the Northern District of Illinois, Eastern Division.

By: /s/ Jennifer A. Mueller
One of the Attorneys for Defendant

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St. Charles, Illinois 60174

/s/ Jennifer A. Mueller
One of the Attorneys for Defendant

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